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# FACTSHEET

United States  
Department of  
Agriculture

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## *Regulatory Enforcement and Animal Care*

Animal and  
Plant Health  
Inspection  
Service

March 1995



## The Animal Welfare Act

For more than a quarter of this century, the U.S. Department of Agriculture (USDA) has enforced the Animal Welfare Act (AWA) to protect certain animals from inhumane treatment and neglect. Congress passed the AWA in 1966 and strengthened the law through amendments in 1970, 1976, 1985, and 1990. The USDA's Animal and Plant Health Inspection Service (APHIS) administers the AWA, its standards, and its regulations.

### The Law

The AWA requires that minimum standards of care and treatment be provided for certain animals bred for commercial sale, used in research, transported commercially, or exhibited to the public. Individuals who operate facilities in these categories must provide their animals with adequate care and treatment in the areas of housing, handling, sanitation, nutrition, water, veterinary care, and protection from extreme weather and temperatures. Although Federal requirements establish acceptable standards, they are not ideal. Regulated businesses are encouraged to exceed the specified minimum standards.

### Exemptions

The AWA regulates the care and treatment of warm-blooded animals, except those, such as farm animals, used for food, fiber, or other agricultural purposes.

Currently, coldblooded animals, such as snakes and alligators, are exempt from coverage under the Act. Retail pet shops are not covered under the Act unless the shop sells exotic or zoo animals or sells animals to regulated businesses. Animal shelters and pounds are regulated if they sell dogs or cats to dealers. Pets owned by private citizens are not regulated.

### Pet Protection

To help prevent trade in lost or stolen animals, regulated businesses are required to keep accurate records of acquisition and disposition and a description of the animals

that come into their possession. Animal dealers also must hold the animals that they acquire for a period of 5 to 10 days to verify their origin and allow pet owners an opportunity to locate a missing pet.

### Animal Fighting

The AWA prohibits staged dogfights, bear or raccoon baiting, and similar animal fighting ventures.

### Licensing and Registration

The AWA also requires that all individuals or businesses dealing with animals covered under the law must be licensed or registered with APHIS.

### Research Facilities

In addition to providing the required standards of veterinary care and animal husbandry, regulated research facilities must provide dogs with the opportunity for exercise and promote the psychological well-being of primates used in laboratories. Researchers must also give regulated animals anesthesia or pain-relieving medication to minimize the pain or distress caused by research if the experiment allows. The AWA also forbids the unnecessary duplication of a specific experiment using regulated animals.

Research facilities must establish an institutional animal care and use committee to oversee the use of animals in experiments. This committee is responsible for ensuring that the facility remains in compliance with the AWA and for providing documentation of all areas of compliance to APHIS. The committee must be composed of at least three members, including one veterinarian and one person who is not affiliated with the facility in any way.

The AWA also does not permit APHIS to interfere with research procedures or experimentation. Regulated research facilities include hospitals, colleges and universities, diagnostic laboratories, and many private firms in the pharmaceutical and biotechnology industries.

### AWA Enforcement

APHIS ensures that all regulated commercial animal breeders, dealers, brokers, transportation companies, exhibitors, and research facilities are licensed or registered. APHIS also searches for unlicensed or unregistered facilities.

Before APHIS will issue a license or registration, the applicant must be in compliance with all standards and regulations under the AWA. To ensure that all registered facilities continue to comply with the Act, APHIS inspectors make unannounced inspections at least once annually.

If an inspection reveals deficiencies in meeting the AWA standards and regulations, the inspector instructs the facility to correct the problems within a given timeframe. If deficiencies remain uncorrected at the unannounced followup inspection, APHIS documents the facility's deficiencies and considers possible legal action.

APHIS also conducts reviews and investigates alleged violations. Some cases are resolved with official notices of warning or agency stipulation letters, which set civil penalties for the infractions. Civil penalties include cease-and-desist orders, fines, and license suspensions or revocations. If APHIS officials determine that an alleged AWA violation warrants additional action, APHIS submits all evidence to USDA for further legal review.

## **Cooperation**

In addition to conducting regular inspections, APHIS will perform inspections in response to public input about the conditions of regulated facilities. Concerned individuals also are encouraged to inform APHIS about facilities that should be licensed or registered.

Many State and local governments have passed additional animal welfare legislation. The public is encouraged to work with Federal, State, and local officials as well as local humane organizations to help eliminate inhumane treatment of animals.

For more information about the AWA, write to:  
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